

# Creating a kingdom of stone walls

## The crisis in India's emergency communication strategy amidst the COVID-19 pandemic

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Shardul Ansingkar

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India has [376 million](#) active social media users, out of [which 66 million](#) are aged between 5 and 11 years, suggesting that a significant number of India's demographics on social media are school children. Such a vulnerable demographic coupled with the [rampant media censorship](#) has created [a labyrinth of misinformation](#) on social media in the past. Similarly, during the [COVID-19 pandemic](#), Social media is flooded with fake news – ranging from senseless information such as [clapping together would kill the virus](#) to more harmful content such as healthy Muslims were being [injected with the virus](#). This disturbing trend has promoted several harmful sentiments such as [stigmatization](#), [hyper-nationalism](#), [Islamophobia](#), [confusion](#), [disobedience](#), which have consequently hindered the containment measures. To counter such threat posed by misinformation, the public must have easy access to evidence-based information provided by a trusted governmental source ([UN Policy brief](#) 14).

Therefore, it is necessary to analyze the compliance of India's measures with the right of information, recognized under several explicit rights in international human rights law. This post argues that India has only partially succeeded in developing an effective crisis communication policy, especially with the marginalized groups.

### Right to Freedom of Expression

India is a state party to the [International Covenant on Civil and Political Rights](#) (ICCPR), which guarantees freedom of expression ([ICCPR](#), Article 19). The UN Human Rights Committee (HRC) declared in [General Comment No. 34](#) (GC 34) that "Article 19 embraces a right of access to information held by public bodies" (para 18). This right to information must be respected during the present pandemic situation in light of its paramount importance to counter the health threat ([UN Special Rapporteur](#) on the rights to freedom of peaceful assembly and of association, principle 7; [UN Policy brief](#) 14). It places a positive obligation on states to share government information of public interest. ([GC 34](#), para 18). Such proactive duty covers an obligation to provide information about COVID-19 in multiple languages to the general public, particularly to vulnerable groups such as [children and persons with disabilities](#).

India communicated information regarding the health threat in multiple languages through several initiatives such as [WhatsApp bot](#), [daily bulletins](#), [Helpdesk numbers](#), [telegram newsdesk](#), [celebrity videos](#), and [official guidelines](#). To spread awareness about COVID-19 amongst [children](#), India launched a graphic novel, named "[Kids, Vaayu and Corona: who wins the fight?](#)". Moreover, India has also made information

on the pandemic [available in Braille](#), audible tapes, and video-graphic material with [subtitles and sign language interpretation](#) to address the communication loophole with persons with disabilities.

## Right to Life

Article 6 of the ICCPR imposes a non-derogable obligation ([ICCPR](#), Article 4(2)) on states to undertake measures aimed at safeguarding the lives of those who are facing an imminent threat (ECtHR with regards to the corresponding Art. 2 (1) of the ECHR in [Osman v UK](#), para 115; [LCB v UK](#), para 38). Such measures include information-sharing regarding possible responses to the threat with an adequate warning to communities who shall bear the brunt of the measures (ECtHR, [Oneryildiz v Turkey](#), para 108) and countering misinformation ([Article 19 policy brief](#) 10).

To counter the imminent threat of COVID-19, the Indian government announced a nationwide lockdown on [March 24, 2020](#), which has been extended till [May 3, 2020](#). [Only four hours notice](#) was given prior to the imposition of a first lockdown and the extension was proclaimed with [24 hours' notice](#). In contrast to Singapore's prudent policy of giving [4 days notice for lockdown](#), Indian policy bizarrely fails to abide by the notice requirement as this is inadequate to [make preparations for such measure](#) ([ICJ opinion paper](#) 2).

The sudden announcement of lockdown coupled with uncertain information about the disease led to a situation which is described by crisis informatics researchers as "[collective sensemaking](#)" – collectively trying to "understand" and "resolve" the situation by often thinking fast, excessively simplifying, and [jumping to conclusions](#). Such human response to disaster leads to the circulation of misinformation based on the user's "[confirmation bias](#)" – the tendency to place reliance on such information that confirms user's preconceptions and to criticize or ignore contradictory evidence. Similarly, the Indian populace, already divided on [religious](#) and [casteist lines](#) before the outbreak, engaged in a wide circulation of fake news, [backed by their prejudices](#).

India had previously issued an advisory to social media platform to curb the spread of such misinformation. However, in light of the failure of such advisory and other information-sharing strategies, the Indian government resorted to [arrests of people](#) spreading fake news as a deterrence measure. However, the example of the Chinese policy indicates that draconian punitive measures are [ineffective as a deterrent](#). *Au contraire*, the success of Singapore's policy of consistent communication signifies that a [well-informed citizenry](#) is an effective line of defense in ensuring that the information disseminated is [authentic and responsible](#). Additionally, the states must refrain from imposing such punitive measures during a pandemic situation due to their tendency to "cast a severe chilling effect" on the free flow of information required to counter the health threat ([Article 19 policy brief](#) 11).

The Indian government also approached the Supreme Court of India urging to pass a direction that [no media outlet should publish anything on COVID-19](#) without prior verification from the government. However, the apex court prudently refused such precondition to publication by keeping in mind the crucial importance of press

freedom in such turbulent times but instead directed the media to maintain a strong sense of responsibility ([Alakh Alok Srivastava v UOI](#) 8).

## Right to Health

India is a state party to the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR), which provides the right to the “enjoyment of the highest attainable standard of physical and mental health” ([ICESCR](#), Article 12.1). Information accessibility is a *sine qua non* for the attainment of the right to health (European Committee of Social Rights, [Maragopoulous Foundation for Human Rights v Greece](#), para 231; [UN policy brief](#) 21) and includes the right to “[easily accessible, timely, and meaningful information](#)” concerning the health threat and containment measures. A significant part of such a mandate is to assess the conditions of [vulnerable groups](#), who require additional provisions before imposing a lockdown.

In India, annually [100 million people](#) undertake short-term migration in search of employment. Despite the humongous size of this group, the Indian lockdown policy was communicated and executed with [sheer indifference](#) to the peculiar needs of these daily-wage earners. The sudden announcement of the lockdown and subsequent spread of misleading news stating that lockdown would continue for more than three months, resulted in a panic-stricken exodus of [around 500,000 to 600,000 migrant workers](#) to their hometowns ([Alakh Alok Srivastava v UOI](#) 6). This failure of media engagement strategy has led to the death of at least [22](#) migrant workers, often from sheer [exhaustion](#) of walking hundreds of kilometers or from [hunger](#). Recognizing the deplorable condition of migrant workers, the Supreme Court of India had directed the central government to provide shelter and food provisions to the migrant workers and also to start a daily bulletin to curb the menace of misinformation ([Alakh Alok Srivastava v UOI](#) 7, 8). Despite the creation of the [daily bulletin](#), India has failed to develop an effective information sharing system, particularly with regard to migrant workers. Therefore, [62% of migrant workers](#) did not possess any information about emergency welfare measures. Additionally, [37% of migrant workers](#) possessed no information about existing welfare schemes. As a result, [96% of migrant workers](#) had not received any food rations from the government, thereby making the welfare schemes illusory.

Another reason for concern is the situation in Kashmir. In August 2019, an [internet shutdown](#) was imposed in the region. 2G internet has been restored in Kashmir till [May 11, 2020](#), in pursuance of a [judicial order](#). 2G connectivity provides extremely low downloading speed up to 384 Kbps, whereas 4G connectivity, available throughout the rest of India, provides significantly higher downloading speed in the range of [9-36 Mbps](#). However, unfettered and speedy access to the internet is crucial to access the information about COVID-19 ([UN Policy brief](#) 9, [UN Special Rapporteur](#)), especially [in light of its dynamic nature](#).

The 2G connectivity has essentially [impeded the access](#) of the general population to basic information about the health threat and the precaution to be adopted. It has also severely [impacted the ability of doctors](#) to treat the patients effectively by preventing them access to the latest studies and advisories on the treatment of

COVID-19. This informational loophole has led to harmful [misinformation spread](#) in Kashmir.

In its recent response to this situation, however, the Indian judiciary has failed to restore internet connectivity in Kashmir and has instead directed the constitution of a high-level committee of government officials to consider the “necessity of continuation of restrictions” ([Foundation for Media Professionals v Union Territory of J&K](#), para 23). [No such committee is constituted yet](#), nor has any timeline been prescribed for the review after the constitution of the committee.

## Conclusion

The Indian information sharing policy is evidently piecemeal and haphazard. To ensure holistic compliance with international obligations, India must devise an extensive and inclusive crisis communication policy. It should contain a range of changes in the current structure— ranging from simpler solutions such as providing 4G connectivity in Kashmir to addressing the complex issues of communicating with migrant workers. Such changes are not only complex due to massiveness of the target population i.e. 1.3 billion people but also because of the requirement to customize crisis communication to cultural, religious, linguistic, caste, and class-based peculiarities of the Indian population. An effective method of devising such policy is to achieve a proactive collaboration with civil societies, NGOs, and media networks to strengthen the communication channels and counter the deluge of misinformation. This policy will determine whether social media acts as a beneficial or a pathological vector of COVID-19 response.

*Shardul G. Ansingkar is a student at Gujarat National Law University (India) and a research assistant to Dr. Aniruddha Rajput, Member, UN International Law Commission (2017-2021).*

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